

client assistance memo

Code Interpretation Appeals to the Construction Codes Advisory Board

July 1998

DESCRIPTION OF APPEAL PROCESS

The Department of Planning and Development (DPD) offers an appeal process by which applicants for building, mechanical or electrical permits may get a "second opinion" about an interpretation of codes. The applicant may request an advisory opinion from the Construction Codes Advisory Board (CCAB). This process gives applicants the chance to present their views to knowledgeable people who are not part of DPD.

The appeal process is available for the construction codes—the Mechanical, Energy, Electrical and Building codes, including regulations for barrier-free accessibility.

CCAB is a group of private individuals representing the public and several construction-related professions, such as architects, engineers, and contractors. The members of CCAB are appointed by the Mayor and confirmed by the City Council. In addition to hearing appeals, CCAB advises DPD on code amendments, new Director's Rules and other related issues.

When a DPD employee and an applicant have differing interpretations about how a code should be applied to a particular project, they should first discuss the question with the employee's supervisors, including the division director. Both applicants and DPD employees are encouraged to discuss interpretations with the employee's supervisors. If the interpretation issue

is not resolved after it is discussed with the employee's division director, the applicant may appeal to CCAB. DPD may also choose to ask CCAB for advice about how to answer an interpretation question. CCAB will make an advisory recommendation to the Director of DPD.

The purpose of an appeal to CCAB is to provide additional technical and code interpretation information so that DPD can make a reasonable response to applicants. It also provides an option to obtain additional review for code interpretation questions. Appeal to CCAB is intended to be an informal, simple process.

REQUESTING AN APPEAL

An applicant who wishes to appeal to CCAB should submit a written request to the director of the DPD division in which the disagreement arises. For instance, if the disagreement is over an interpretation that arises during plan review, the request should be submitted to the Director of the Regulating Construction Program. Similarly, if the disagreement is over a building inspection interpretation, the request should be submitted to the Director of the Regulating and Maintaining Compliance Program. The request should include a short description of the subject of the appeal.

There is no fee for appeals to CCAB.

SELECTING A PANEL

After the division director receives notice that an applicant wishes an appeal, DPD will notify the Chair of CCAB.

The Chair of CCAB will choose at least 3 people to hear the appeal. The Chair will also choose one of those people to chair the appeal committee. Those chosen to hear the appeal will usually be members of CCAB, but if the Chair believes special expertise would be helpful, other people may be chosen. City employees will not be asked to hear the appeal. The Chair will select the panel as soon as possible after receiving



notice of the appeal.

The Chair will attempt to select people who have expertise in the subject matter of the appeal. Appeal panels will usually have at least one "public" representative from CCAB. The selection of the panel is at the discretion of the Chair. CCAB members who are not selected to be members of the panel may participate at the appeal hearing.

NOTICE

The applicant and the divisions of DPD involved in the appeal should not discuss the subject of the appeal with the CCAB Chair or members of the appeal panel from the time the appeal is requested until after CCAB makes its recommendation.

All communication with CCAB and the members of the appeal panel will take place through DPD's Codes, Policies and Community Relations Program (CPCR). CPCR will contact the applicant, the Chair and the members of the appeal panel to set a time for hearing the appeal. If either the applicant or DPD wants to communicate with the panel, CPCR will make arrangements so that all parties will be aware of the communication.

After a time for the meeting is chosen, CPCR will send written notice of the time and place to the CCAB Chair, the appeal panel, the applicant, other CCAB members, the involved DPD division director and, if appropriate, to the Seattle Fire Department. The preferred time for appeal meetings is CCAB's regularly-scheduled meetings on the first and third Thursdays of each month. If that time is impractical, the Chair will attempt to find an alternate time within the same month.

PREPARATION FOR THE APPEAL

Both the applicant and DPD will submit an issue statement. The statement should include a description of the project, a brief synopsis of the issue, relevant code sections, and whether alternative solutions have been considered. If the appeal panel wants additional information before the appeal meeting, they will ask CPCR to notify the appropriate DPD divisions and the applicant.

If possible, applicants should provide reduced size copies of the pertinent pages of the plans with their issue statement. DPD will make the full-sized plans available to the appeal panel at DPD offices immediately before and during the hearing.

At their discretion, the appeal panel may visit the site. If the panel wishes to make a site visit, the applicant will make the site available so the panel may make the visit unaccompanied by either the applicant or DPD.

THE APPEAL MEETING

At the beginning of the meeting, DPD will describe the background of the issue. The applicant will then present additional information. The applicant may bring design professionals and others to help with the presentation.

THE OPINION

The appeal panel's recommendation is not binding on DPD—it is advisory only.

The appeal panel will make a recommendation by unanimous vote. If any member of the appeal panel disagrees, the panel may choose to either:

- Hold further meetings
- Ask the full CCAB to resolve the issue. CCAB's recommendation will be by majority vote.

The Chair of the appeal panel will send its recommendation to the Director of DPD with a copy to the applicant, to the DPD employee with whom the interpretation question began, and to the employee's division director. DPD will notify the applicant and CCAB whether it will follow the appeal panel's recommendation.

An applicant who disagrees with the recommendation of the appeal panel may ask the Director of DPD to reconsider. The Director's decision is the final administrative decision.

For additional information about the Construction Codes Advisory Board and the appeal process, call DPD's Technical Codes Unit at (206) 233-3892.

Access to Information

Links to electronic versions of DPD publications and codes are available on the "Publications" and "Codes" pages of our website at www.seattle.gov/dpd. Paper copies are available from our Public Resource Center, located on the 20th floor of Key Tower at 700 Fifth Avenue in downtown Seattle, (206) 684-8467.